



COMPLIANCE WITH FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

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A. PURPOSE

This policy seeks to ensure that Douglas College employees and students are aware of the terms of the Freedom of Information and Protection of Privacy Act (R.S.B.C. 1996 c. 165) (the “Act”), and understand their roles and responsibilities for privacy and access to information, as a public institution.

B. SCOPE

Any Record created or obtained in the course of the duties of an employee of Douglas College belongs to Douglas College and is subject to the Act.

This policy applies to all Douglas College employees and students, as determined in the Act.

C. DEFINITIONS

1. **Personal information:** Recorded information about an identifiable individual other than contact information.

This includes any recorded information that uniquely identifies a person, such as name, address, telephone number, age, sex, race, religion, sexual orientation, disability, fingerprints, or blood type. It includes information about a person’s health care, educational, financial, criminal or employment history.

2. **Record:** A record includes books, documents, maps, letters, papers, photos and any other thing on which information is recorded or stored by graphic, electronic, mechanical or any other means. This definition excludes instructors' lecture notes and research materials, and includes test banks and answers.

D. POLICY STATEMENTS

1. The Act attempts to strike a balance between the public's right to access information and the individual's right to personal privacy. The Act provides detailed instructions on how the records and documents created and held by a public body are to be documented and how access to them is to be provided. The Act also delineates the types of personal information which may be collected and how this must be documented. The following is an overview of both facets of the Act.
2. The Act grants power to the College Board to collect personal information from students and employees to fulfill the mandate of Douglas College. The Act, and the amendments to it, provide the legislative framework for access to information and protection of privacy.
3. Any record created or obtained in the course of the duties of an employee of Douglas College belongs to Douglas College and is subject to the Act.
4. Freedom of Information
 - a. The College will maintain personal information banks itemizing records under its jurisdiction. Records management retentions schedules will be incorporated in the personal information banks.
 - b. The Act specifies that the College has an obligation to assist the individual to access information.
 - c. The College President, as the head of the local public body, may authorize any person, usually the FOIPOP Officer, to perform the duties or functions of the head for the purposes of the Act.
5. Protection of Privacy
 - a. The College will maintain personal information banks indicating the nature of the information collected, the legal authority to do so, the individuals in the bank, and the office of responsibility.
 - b. The College will make reasonable security arrangements to protect personal information from unauthorized access, use or disclosure.

E. PROCEDURES

1. Freedom of Information
 - a. Information of a public and routine nature and personal information about the person requesting it will be released informally. Mandatory and discretionary exceptions are clearly outlined in the Act.
 - b. Individuals may make a formal application in writing for information not released informally as a matter of course.
 - c. When a formal request is received anywhere in the College, it must be forwarded to the FOIPOP Officer on the same day.
 - d. The College has 30 business days to respond. The FOIPOP Officer follows the instructions within the Act to meet the requirements of the formal request. This may entail the request or transference of information to another public institution, the request for fees to be paid before a search is undertaken or contact with the requester to clarify the request.
2. Protection of Privacy
 - a. The College will collect only that personal information for which it has a legal authority to do so. Information not expressly required for the operations of the department must not be collected. If information is collected from anyone other than the individual, the individual must be informed. The individual must give express consent if the information is to be used for purposes other than for what it was collected.
 - b. Forms, paper or electronic, used to collect information, should include a notice of legal authority, purpose/use of the information and a contact officer for further information.
 - c. Information collected about an individual must be held for one year.
 - d. The College will correct personal information if requested, or make a note beside the personal information showing the correction requested.
 - e. Third party information, either personal or economic, will be reviewed under Section 22 of the Act to determine whether such information may be released or would be an unreasonable invasion of the third party's personal privacy.

F. LINKS TO SUPPORTING FORMS, DOCUMENTS, WEBSITES, RELATED POLICIES

Administrative Policies Page

- [Guide to Access and Privacy Protection under FIPPA](#)
- [A16.01.04 Records Management Policy](#)



G. RELATED ACTS AND REGULATIONS

- *College and Institute Act* (R.S.B.C. 1996 c. 52)
- *Freedom of Information and Protection of Privacy Act* (R.S.B.C. 1996 c. 165)

H. RELATED COLLECTIVE AGREEMENT CLAUSES

- Art. 10.01.d of the collective agreement between Douglas College and the DCFA
- Art. 28.12 of the collective agreement between Douglas College and the BCGEU